

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

HAPAG-LLOYD AG,

Plaintiff,

v.

FLAMINGO FOOD & BEVERAGE, INC.,

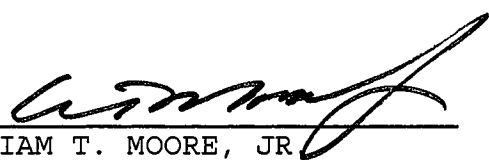
Defendant.

CASE NO. CV414-133

O R D E R

Before the Court is Defendant's Motion to Dismiss Counterclaim. (Doc. 12.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), a counter-plaintiff may dismiss an action by filing "a stipulation of dismissal signed by all parties who have appeared." See also Fed. R. Civ. Pro. 41(c). However, the Court's review of the record does not indicate that Defendant brought any counterclaim against Plaintiff. In its answer, Defendant raised the defense of recoupment and seemed to suggest Plaintiff owed it damages. (Doc. 9 at 2.) However, Defendant never stated that it was raising a counterclaim. In any event, Defendant's counterclaim, to the extent it raised one, against Plaintiff is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 26th day of September 2014.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

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SAVANNAH DIV.
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SO. DIST. OF GA.